

# **EXHIBIT B**

# Sobo & Sobo

PERSONAL INJURY ATTORNEYS

ONE DOLSON AVENUE  
MIDDLETOWN, N.Y. 10940  
PHONE: (855) 468-7626 (SOBO)  
FAX: (845) 343-0929

OFFICES IN:  
MIDDLETOWN, N.Y.  
NEWBURGH, N.Y.  
POUGHKEEPSIE, N.Y.  
SPRING VALLEY, N.Y.  
NEW YORK, N.Y.

March 14, 2019

*Via First Class Mail and e-Mail*

Kohl's Distribution Center  
Attn: Todd Gorski  
3440 Route 209  
Wurtsboro, NY 12790

Re: Our Client: Joshua Poirier  
Claim No.: K1019563001  
Date of Loss: May 19, 2016  
Policyholder: Kohl's Distribution Center

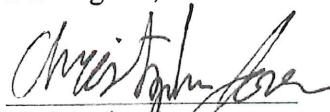
Dear Mr. Gorski,

Please be advised a Summons and Verified Complaint was served upon KOHL'S NEW YORK D.C., INC., on January 3, 2019 and more than twenty (20) days have lapsed without receipt of an Answer.

For your convenience, I have enclosed a copy of the Summons and Verified Complaint together with the Affidavit of Service. Kindly turn this over to your defense counsel to take immediate steps to provide an Answer as your insured is presently in default.

Please feel free to contact me if you have any questions or concerns or the attorney assigned to the file, Sheila S. Rosenrauch, Esq., if you wish to discuss this matter further.

Best regards,



Christopher Jones  
Paralegal  
Direct: (845) 764-9006  
cjones@sobolaw.com

cc: Joshua Poirier

FILED: ORANGE COUNTY CLERK 12/05/2018 03:21 PM  
NYSCEF DOC. NO. 1

INDEX NO. EF011877-2018

RECEIVED NYSCEF: 12/05/2018

Date of Filing:

Index #:

Plaintiff designates  
Orange County  
as the place of trial.

The basis of venue is the  
Plaintiff's residence address.

Plaintiff resides at  
87 Reservoir Road  
Middletown, NY 10940

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE

X

JOSHUA POIRIER,

Plaintiff,

**SUMMONS**

-against-

KOHL'S NEW YORK D.C., INC.,

Defendant.

X

To the above-named defendant:

YOU ARE HEREBY SUMMONED, to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorneys within - 20- days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

SOBO & SOBO, LLP

*Sheila S. Rosenrauch*  
SHEILA S. ROSENRAUCH, ESQ.  
Attorneys for Plaintiff  
One Dolson Avenue  
Middletown, NY 10940  
(845) 343-7626

Dated: December 5, 2018  
Middletown, New York  
Defendants' addresses: See Complaint

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RECEIVED NYSCEF: 12/05/2018

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE

-----X

JOSHUA POIRIER,

Plaintiff,

**VERIFIED  
COMPLAINT**

-against-

**Index No.:**

KOHL'S NEW YORK D.C., INC.,

Defendant.

-----X

Plaintiff, JOSHUA POIRIER, by his attorneys, SOBO & SOBO, L.L.P., as and for the Verified Complaint, herein alleges the following:

1. That at all times hereinafter mentioned, the plaintiff was and still is a resident of the County of Orange, State of New York.
2. That at all times hereinafter mentioned, the defendant, KOHL'S NEW YORK D.C., INC., was and still is a foreign corporation duly authorized to do business within the State of New York.
3. That at all times hereinafter mentioned, the defendant, KOHL'S NEW YORK D.C., INC., was and still is a foreign business entity doing business within the State of New York, with a place of business located at 3440 Route 209, Wurtsboro, New York.
4. That at all times hereinafter mentioned, the defendant, KOHL'S NEW YORK D.C., INC., was the owner of a certain premises located at 3440 US-209, Wurtsboro, New York, in the County of Sullivan, State of New York, known as "KOHL'S DISTRIBUTION CENTER."

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5. That at all times hereinafter mentioned, the defendant, KOHL'S NEW YORK D.C., INC., maintained the aforesaid premises.

6. That at all times hereinafter mentioned, the defendant, KOHL'S NEW YORK D.C., INC., managed the aforesaid premises.

7. That at all times hereinafter mentioned, the defendant, KOHL'S NEW YORK D.C., INC., controlled the aforesaid premises.

8. That at all times hereinafter mentioned, the defendant, KOHL'S NEW YORK D.C., INC., operated the aforesaid premises.

9. That at all times hereinafter mentioned, the defendant, KOHL'S NEW YORK D.C., INC., was the lessee of the aforesaid premises.

10. That at all times hereinafter mentioned, the defendant, KOHL'S NEW YORK D.C., INC., was the lessor of the aforesaid premises.

11. That at all times hereinafter mentioned, the back storage lot, located on the aforesaid premises, was the situs of the within accident.

12. That on May 19, 2016, while this plaintiff was lawfully upon the aforesaid premises, he stepped on loose, broken pavement, thereby sustaining severe and serious personal injuries.

13. The negligent, wanton, reckless and careless acts of the defendant, their agents, servants and/or employees were a cause of the accident and resultant injuries.

14. That the defendants, their agents, servants and/or employees were negligent, wanton, reckless and careless in, among other things, allowing, causing and/or permitting dangerous, hazardous and/or unsafe conditions to exist on the aforesaid premises; in allowing broken pavement to exist at the premises; in allowing debris to

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accumulate on the premises; in failing to provide a safe place to work; in failing to provide a safe and unencumbered place to walk for persons lawfully on the premises; in failing to provide adequate lighting; in acting with reckless disregard for the safety of others, and the defendants, their agents, servants and/or employees were in other ways negligent, wanton, reckless and careless.

15. That the defendant, their agents, servants and/or employees had actual and/or constructive notice of the dangerous and/or defective conditions in that the conditions existed for a sufficient length of time prior to the happening of the incident and in the exercise of reasonable care, the defendants could have and should have had knowledge and notice thereof and further, the defendant, their agents, servants and/or employees created said condition.

16. The limited liability provisions of CPLR 1601 do not apply pursuant to the exceptions of CPLR 1602, including, but not limited to, 1602(2)(iv) and 1602(7).

17. That by reason of the foregoing, this plaintiff was caused to sustain severe and serious personal injuries to his mind and body, some of which are permanent with permanent effects of pain, disability, disfigurement and loss of body function. Further, this plaintiff was caused to expend and become obligated for diverse sums of money for the purpose of obtaining medical care and/or cure in an effort to alleviate the suffering and ills sustained as a result of this accident; the plaintiff further was caused to lose substantial periods of time from his normal vocation and activities, and may continue in that way into the future and suffer similar losses.

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18. That by reason of the foregoing, this plaintiff has been damaged in a sum that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction of this matter.

WHEREFORE, plaintiff demands judgment against the defendants, and each of them, as follows:

A sum that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction in this matter, together with the costs and disbursements of this action.

DATED: December 5, 2018  
Middletown, New York



Sheila S. Rosenrauch, Esq.  
SOBO & SOBO, LLP  
*Attorneys for Plaintiff*  
One Dolson Avenue  
Middletown, NY 10940  
(845) 343-7626

TO: KOHL'S NEW YORK D.C., INC.  
C/O the Secretary of State  
N56 W17000 Ridgewood Drive  
Menomonee Falls, Wisconsin 53051

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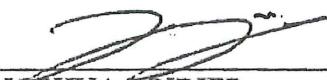
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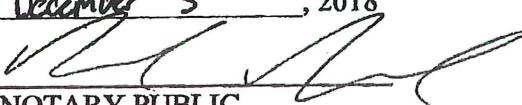
**VERIFICATION**

STATE OF NEW YORK, COUNTY OF ORANGE ss:

JOSHUA POIRIER, being duly sworn says; I am the plaintiff in the action herein; I have read the annexed Verified Complaint, know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.



JOSHUA POIRIER

Sworn to before me on this  
December 5, 2018  
  
NOTARY PUBLIC

CARL M. LEARNED  
Notary Public, State of New York  
No. 02LE6370722  
Qualified in Orange County  
My Commission Expires February 05, 2022

**FILED: ORANGE COUNTY CLERK 01/02/2019 03:15 PM**

NYSCEF DOC. NO. 2

INDEX NO. EF011877-2018

RECEIVED NYSCEF: 01/02/2019

**AFFIDAVIT OF SERVICE THROUGH THE SECRETARY OF STATE**SUPREME COURT  
STATE OF NEW YORK, COUNTY OF ORANGEPurchased/Filed: December 5, 2018  
Index # EF011877-2018

Joshua Poirier

Plaintiff

against

Kohl's New York D.C., Inc.

Defendant

STATE OF NEW YORK  
COUNTY OF ALBANY

SS.:

James Perone \_\_\_\_\_, being duly sworn, deposes and says: deponent is over the age of eighteen (18) years; that on December 17, 2018, at 11:45 AM, at the office of the Secretary of State of the State of New York in the City of Albany, New York deponent served the annexed

Summons and Verified Complaint with Notice of Electronic Filing

on

Kohl's New York D.C., Inc. \_\_\_\_\_, the

Defendant in this action, by delivering to and leaving with Nancy Dougherty, AUTHORIZED AGENT in the Office of the Secretary of State, of the State of New York, personally at the Office of the Secretary of State of the State of New York, 99 Washington Avenue, Albany, NY, 2 true copies thereof and that at the time of making such service, deponent paid said Secretary of State a fee 40 dollars; That said service was made pursuant to Section 306 Business Corporation Law. Deponent further says that deponent knew the person so served as aforesaid to be the agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant

Description of the person served: Approx. Age: 55-60 Approx. Wt: 130lbs Approx. Ht: 5'3"Color of skin: White Hair color: Black Sex: Female Other: \_\_\_\_\_

Sworn to before me on this

17th day of December 2018

SCOTT SCHLUSTER  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. C15CG308539  
QUALIFIED IN ALBANY COUNTY  
COMMISSION EXPIRES JULY 28, 2022

James Perone

Attny's File No.

Invoice-Work Order # S1816022

SERVICO. INC.. P.O. Box 871. ALBANY. NY 12201